

JAN 22 2007

FAX TRANSMISSION**DATE:** January 22, 2007**PTO IDENTIFIER:** Application Number 10/714,464-Conf. #2487
Patent Number**Inventor:** Yoshio KUSANO et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** LAHIVE & COCKFIELD, LLP

Anthony A. Laurentano

PHONE: (617) 227-7400**Attorney Dkt. #:** IIW-035**PAGES (Including Cover Sheet):** 5**CONTENTS:** Transmittal (1 page)
Response to Restriction Requirement (with Traverse) (2 pages)
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PTO/SB/21 (09-08)

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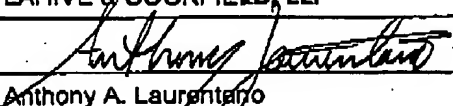
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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/714,484-Conf. #2487
	Filing Date	November 14, 2003
	First Named Inventor	Yoshio KUSANO
	Art Unit	1745
	Examiner Name	M. Ruthkosky
Total Number of Pages in This Submission	Attorney Docket Number	IIW-035

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Restriction Requirement; Certificate of Transmission
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Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Anthony A. Laurentano		
Date	January 22, 2007	Reg. No.	38,220

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Dated: January 22, 2007

Signature:

(Anthony A. Lafermano)

Docket No.: IIW-035
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshio Kusano *et al.*

Application No.: 10/714,464

Confirmation No.: 2487

Filed: November 14, 2003

Art Unit: 1745

For: HUMIDIFIER FOR FUEL CELL AND
PROCESS FOR WARMING THE SAME

Examiner: M. Ruthkosky

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed December 22, 2006 (Paper No. 20061220).

The Examiner has required restriction between the following inventions in the above-identified application:

Group I - encompassing claims 1-5, 7-12 and 15 drawn to humidifier (classified in Class 429, Subclass 34);

Group II - encompassing claims 6 and 16-20 drawn to method of warming a humidifier (classified in Class 429, Subclass 12); and

Group III - encompassing claims 13-14 which is drawn to a warming device for a fuel cell (classified in Class 429, Subclass 26).

Additionally, the Examiner asserts that Group I has three patentably distinct species:

Species I: claims 1-5,
Species II, claims 7-12, and
Species III: claim 15.

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Accordingly, Applicants hereby elect Group I, claims 1-5, 7-12, and 15, and Species I, claims 1-5 for continued examination, with traverse.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent. Applicants respectfully assert that a single search of pertinent prior art would appear to suffice for all aspects of the invention. Specifically, the various Groups and Species appear to be so interrelated that a single examination would not appear to place a serious burden on the Examiner. Therefore, Applicant urges the Examiner to reconsider and withdraw the restriction requirement.

Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and that all of the claims presently pending in this application be examined.

Dated: January 22, 2007

Respectfully submitted,

By 

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Registration No.: 38,220

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Application No. (if known): 10/714,464

Attorney Docket No.: IIW-035

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on January 22, 2007
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